

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

: 08 Cr.

KIN CHI WONG,
a/k/a "Xi Yi Gao,"
and a/k/a "Yi Han Zheng,"

Defendant.

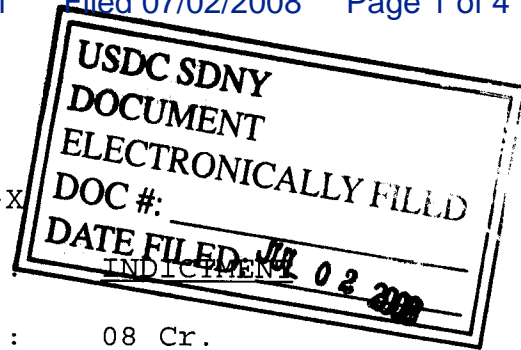
08 CRIM 601

COUNT ONE

The Grand Jury charges:

1. From on or about February 16, 2006, through at least on or about August 29, 2007, in the Southern District of New York and elsewhere, KIN CHI WONG, a/k/a "Xi Yi Gao," a/k/a "Yi Han Zheng," the defendant, unlawfully, willfully, and knowingly, did execute and attempt to execute, a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, to wit, Commerce Bank, and to obtain the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, WONG deposited counterfeit checks into accounts at Commerce Bank and then attempted to withdraw and withdrew those funds.

(Title 18, United States Code, Sections 1344 & 2.)



COUNT TWO

The Grand Jury further charges:

2. From on or about February 16, 2006, through at least on or about August 29, 2007, in the Southern District of New York and elsewhere, KIN CHI WONG, a/k/a "Xi Yi Gao," a/k/a "Yi Han Zheng," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in Section 1028A(c), to wit, WONG transferred, possessed and used, without lawful authority, the names of other persons in relation to the bank fraud charged in Count One.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

3. As a result of committing the offenses alleged in this Indictment, KIN CHI WONG, a/k/a "Xi Yi Gao," a/k/a "Yi Han Zheng," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged herein, to wit bank fraud.

Substitute Asset Provision

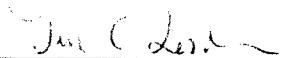
4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

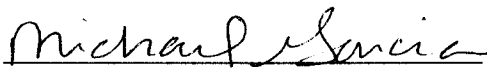
property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,
Title 28, United States Code, Section 2461, and
Title 18, United States Code, Section 1344.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

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Defendant.

INDICTMENT

08 Cr.

(18 U.S.C. §§ 1028A, 1344 & 2)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Foreperson.

Jay L. Loner

7/2/08

7/2/08

INDICTMENT FILED.

CASE ASSIGNED TO JUDGE CAMERON.

FREEMAN, M. J.